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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/594,877	09/29/2006	Michael Flehinghaus	FLEHINGHAUS ET AL-1 PCT	8126
25889	7590	08/12/2008	EXAMINER	
COLLARD & ROE, P.C. 1077 NORTHERN BOULEVARD ROSLYN, NY 11576			SAWHNEY, HARGOBIND S	
			ART UNIT	PAPER NUMBER
			2885	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/594,877	Applicant(s) FLEHINGHAUS ET AL.	
	Examiner HARGOBIND S. SAWHNEY	Art Unit 2885	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5/9/08</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The amendment filed on May 9, 2008 has been entered. Accordingly:
 - Claims 1-3 and 5-13 have been amended; and Claim 4 has been canceled.

Claim Objections

2. Claims 1-13 are objected to because of the following informalities:

Claim 1 does not include a preamble with an appropriate transitional phrase such as "comprising. The claim preamble should be included to state purpose and/or intended uses of the invention.

Claims 2-13 are necessarily objected because of their dependency on the objected base claim 1.

Appropriate correction is required.

Claim 1 has been examined considering "an illuminable information unit for technical apparatus or machine" as -- an illuminable information unit for technical apparatus or machine comprising--.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 1-2 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No.: 5,169,707 (Faykish et al.) in view of US Patent No. 2,231,139 (Reininger) .

Regarding claim 1, Faykish et al. discloses a visible display element 10 (Figure 1) comprising a transparent light scattering plastic element 12 including transparent scatter bodies 16 embedded in its mass (Figure 1, column 3, lines 47-53); and the light scattering plastic element being provided with a transparent or tinted cover layer 14 (Figure 1, column 10, lines 57-65).

However, Faykish et al. does not specifically teach the cover layer being opaque.

On the other hand, Reininger discloses a visible display element (Figures 3 and 4) comprising: a transparent light scattering plastic element 7 (Figures 3 and 4, Page 1, column 2, line 34); and the light scattering plastic element 7 being provided with an opaque cover 16 including recesses 14 and 15 (Figure 3, column 2, lines 30-36).

The limitation “recesses produced by way of laser processing” has not been given patentable weight, as it is a [Product-by-Process limitation], the applicant is advised that patentability of a product does not depend on its method of production. If the product in the product-by-process claim is the same as or obvious from a product of the prior art, the claim is unpatentable even though the prior product was made by a different process.” *In re Thorpe*, 777 F.2d 695, 698, 227 USPQ 964, 966.

Regarding claims 2, 3, 5-9, 11 Faykish et al. in view of Reininger discloses the visible display element further comprising:

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- the transparent scatter bodies 16 being colored (Faykish et al., Figure 1, column 6, lines 56 and 57);
- the transparent plastic mass including poly carbonate material (Figure 1, column 8, lines 20-23; and column 12, lines 50-53); a cover 14 including recesses 13;
- The opaque cover layer 16 including recesses 14 and 15 (Reininger, Figure 3, column 2, lines 30-36); the recesses 14 and 15 allowing parts of the light-scattering plastic elements 7 to be parts of cover layer 7 (Reininger, Figure 3, column 2, lines 30-36);
- the cover layer 14 being colored – dark or bright being interpreted as intended use requirement - (Faykish et al., Figure 1, claims 10 and 11); the light-scattering elements 12 optically and structurally integrated into operating system – interpreted as the system including the device 10- and being an operating element of the device 10 (Figure 1);
- the cover 14 being a single dimension light distributor – a flat lamina with apertures - Figure 1); the cover 14 being a three dimensional surface structure – as the cover has length, width and thickness – (Figure 1);

Regarding each of claims 10 and 13, Faykish et al. in view of Reininger discloses the assembly 10 – broadly interpreted as an illuminable unit usable -intended use, capable of- for a display or a vehicular warning light.

Response to Amendment

5. Applicant's arguments filed on March 1, 2006 with respect to the 35 U.S.C. 102(b) rejections of claims 1-3, 6-13; and 35 U.S.C. 103(a) rejections of claim 5 have been fully considered but are moot in view of the new ground(s) of rejections necessitated by the amendment.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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E. R. Gill, Jr. (US Patent No.: 1,902,440), Nonogaki et al. (US Patent No.: 4,815,821)

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hargobind S. Sawhney whose telephone number is 571 272 2380. The examiner can normally be reached on 8:00 AM - 4:30 PM 30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Jong-Suk (James) Lee can be reached on 571 272 7044. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

8/9/08

/Hargobind S Sawhney/
Primary Examiner, Art Unit 2885